

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>08/23/2021</u>

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
TYRONE PETERS,

Plaintiff,

- against -

CORRECTION OFFICER DANIEL HUTTEL,  
CORRECTION OFFICER JEFFREY ERNS, AND  
CORRECTION SERGEANT DUANE MALARK,

Defendants.  
----- X

15 Civ. 9274 (NSR)

MEMO ENDORSED

**PLEASE TAKE NOTICE** that, upon the motion filed herein, the accompanying memorandum of law, the declarations in support of the motion with attached exhibits, and all other pleadings and papers filed herein, defendants Correction Officer (“CO”) Daniel Huttel, CO Jeffrey Erns and Sergeant Duane Malark, (collectively “Defendants”), by their attorney, Letitia James, Attorney General, State of New York, will move this Court in limine before the Honorable Nelson S. Román, United States District Judge, at the United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, for an Order precluding the following: (1) the “IG report and interviews about Nov. 21, 2012 incident from C.O. Etienne”; (2) “Cases brought against C.O. Huttel, C.O. Erns and Sgt. Malark for assault, use of excessive force or any malfeasants against Inmates at Green Haven Facility”; (3) the “Poukepssee News Article about Inmates assault by C.O. at Green Haven Correctional Facility”; (4) the testimony of CO Baez and CO Elizer; (5) reference to complex or long-term injuries not supported by expert testimony; and (6) suggesting a dollar amount to the jury. Defendants also move in limine to allow them to cross-examine Plaintiff regarding his crime and conviction, and for such other and further relief as this Court deems just and proper.

Pursuant to the Court’s August 2, 2021 Order (ECF No. 109), opposition papers are due

August 20, 2021, and reply papers are due August 27, 2021.

Dated: New York, New York  
August 13, 2021

Respectfully submitted,  
LETITIA JAMES  
Attorney General  
State of New York  
Attorney for Served Defendants

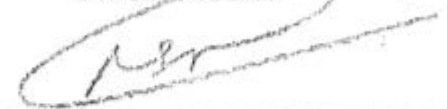
By: S/ Brendan M. Horan  
BRENDAN M. HORAN  
Assistant Attorney General  
28 Liberty Street. 18th Floor  
New York, New York 10005  
(212) 416-8973  
Brendan.Horan@ag.ny.gov

To: **BY U.S. MAIL**  
Tyrone Peters  
DIN 04-A-4361  
Clinton Correctional Facility  
P.O. Box 20001  
Dannemora, New York 12929

In light of the parties' settlement, the motion is denied as moot. The Clerk of the Court is respectfully requested to terminate the motion (ECF No. 113), mail a copy of this endorsement to *pro se* Plaintiff, and show proof of service on the docket.

Dated: August 23, 2021  
White Plains, NY

SO ORDERED:



NELSON S. ROMÁN  
United States District Judge